UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,182	10/18/2001	Hui-Lin Li	010327-003200US	4837

20350   7590   08/01/2007
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EXAMINER
WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
08/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<tr><td rowspan="3">Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
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<tr><td>Examiner</td><td></td><td>Art Unit</td><td></td></tr>
<tr><td></td><td colspan="2">Michael Y. Won</td><td>2155</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed June 27, 2007.

2.   Claims 1, 3, 10, and 12 have been amended.

3.   Claims 1-19 have been examined and are pending with this action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claim 10 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The applicant(s) claim "A computer-readable medium carrying one or more sequence of instructions..." but does not define within the body of the claim the hardware in which the invention runs. Thus, absent recitation of the server or some other hardware, claim 10 is not limited to a tangible embodiment, instead being sufficiently broad to encompass software, per se.

The examiner encourages applicant to define within the claims the embodied

features and limitations on a "storage" computer readable medium such as hard drives,

disks, and other hardware elements. An example of a proper format would be "a

computer-readable <u>storage</u> medium carrying... ".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 6-11, and 15-19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Black et al. (US 7,222,147 B1).

<u>INDEPENDENT:</u>

As per ***claim 1***, Black teaches a method for synchronizing circuit related objects

between a network management system (NMS) and a network control processor (NCP),

the method comprising:

maintaining data for circuit related object at the network control processor (see

col.27, lines 57-60: "the data is maintained in binary form" and col.28, lines 6-18: "UDS

creates a data summary file");

receiving at the network control processor one or more commands from the

network management system (see col.16, lines 3-6: "to generate SQL configuration

commands for use by the configuration database") to translate the data for circuit

related objects (see col.27, lines 60-62: "UDS may translate the binary data into ASCII

or any other format");

translating the data for the circuit related objects from binary data to ASCII data

in the network processor in response to the commands (see col.29, lines 41-56: "cause

the data collector server to convert the binary data file into ASCII data and issue a

Portal API call");

receiving into the network management system server the ASCII data from the

network control processor (see col.26, lines 33-39: "changes made to configuration

database 42 are passed immediately to the NMS database...");

parsing the ASCII data (see col.54, lines 35-40: "considerable parsing"); and

storing the ASCII data in a network management system database (see col.26,

lines 33-39: "passed immediately to the NMS database... and NMS database, is

immediately aware of any configuration changes"),

wherein data for the circuit related objects stored in the network management

system database is thereby synchronized with the data for the circuit related objects in

the network control processor (see col.26, lines 21-26: "synchronization process").

As per *claim 10*, Black teaches a computer-readable medium carrying one or

more sequences of one or more instructions for synchronizing circuit related objects

between a network management system (NMS) and a network control processor (NCP),

the one or more sequences of one or more instructions including instructions which,

when executed by one or more processors, cause the one or more processors to

perform the steps of:

maintaining data for circuit related object at the network control processor (see

col.27, lines 57-60: "the data is maintained in binary form" and col.28, lines 6-18: "UDS

creates a data summary file");

receiving at the network control processor one or more commands from the

network management system (see col.16, lines 3-6: "to generate SQL configuration

commands for use by the configuration database") to translate the data for circuit

related objects (see col.27, lines 60-62: "UDS may translate the binary data into ASCII

or any other format");

translating the data for the circuit related objects from binary data to ASCII data

in the network protocol processor in response to the commands (see col.29, lines 41-

56: "cause the data collector server to convert the binary data file into ASCII data and

issue a Portal API call");

receiving into the network management system server the ASCII data from the

network control processor (see col.26, lines 33-39: "changes made to configuration

database 42 are passed immediately to the NMS database...");

parsing the ASCII data (see col.54, lines 35-40: "considerable parsing"); and

storing the ASCII data in a network management system database (see col.26, lines 33-39: "passed immediately to the NMS database… and NMS database, is immediately aware of any configuration changes"),

wherein data for the circuit related objects stored in the network management system database is thereby synchronized with the data for the circuit related objects in the network control processor (see col.26, lines 21-26: "synchronization process").

As per *claim 19*, Black teaches a method for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP), the method comprising:

sending a command (see col.16, lines 3-6: "to generate SQL configuration commands for use by the configuration database") for translating data for the circuit related objects from binary data to ASCII data to the NCP (see col.27, lines 60-62: "UDS may translate the binary data into ASCII or any other format"), wherein the NCP translates data for the circuit related objects from binary data to ASCII data in the NCP (see col.29, lines 41-56: "cause the data collector server to convert the binary data file into ASCII data and issue a Portal API call");

receiving into the network management system server (NMS) the ASCII data from the network control processor (see col.26, lines 33-39: "changes made to configuration database 42 are passed immediately to the NMS database…"); and

storing the ASCII data in a network management system database, wherein a data structure in the network management system database is synchronized with the

ASCII data for the circuit related objects (see col.26, lines 33-39: "passed immediately

to the NMS database... and NMS database, is immediately aware of any configuration

changes").

DEPENDENT:

As per **claims 2 and 11**, Black further teaches wherein the data for the circuit

related objects is stored in an ASCII persistence table in the network control processor

(see col.17, lines 51-57).

As per **claims 6 and 15**, Black further teaches wherein the format of an ASCII

persistence table is a plain text file which maintains all available records for a type of

circuit related object in the network control processor, and wherein each record includes

a unique key and group of names with corresponding values, and each unique key is

used to identify an individual circuit (see col.28, lines 8-18).

As per **claims 7 and 16**, Black further teaches wherein the step of parsing

comprises: reading records from the ASCII persistence table; and parsing the records to

a network management system desired format (see col.54, lines 35-40).

As per **claims 8 and 17**, Black teaches of further comprising comparing the

ASCII data with a corresponding circuit related object table already in the network

management system database (see col.8, lines 51-63 & col.9, lines 6-13).

As per **claims 9 and 18**, Black teaches of further comprising:

detecting a mismatch between the ASCII data and the corresponding circuit related object table (see col.8, lines 51-63 & col.9, lines 6-13); and updating the network management system database accordingly (see col.9, lines 13-17).

6.   Claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 7,222,147 B1) in view of Hamilton, II et al. (US 6,633,977 B1).

As per **claims 3 and 12**, Black does not explicitly teach wherein the step of translating data comprises receiving a "rsh" UNIX command to translate the persistence table from a binary persistence table to the ASCII persistence table.

Hamilton, II teaches of an "rsh" UNIX command (see col.10, lines 55-57).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Black in view of Hamilton, II so that the step of translating data comprises receiving a "rsh" UNIX command to translate the persistence table from a binary persistence table to an ASCII persistence table. One would be motivated to do so because Black teaches that the embodiment of the invention may employ a UNIX server (see col.10, lines 4-7) and UNIX platform (see col.10, lines 47-52).

As per **claims 4 and 13**, Black does not explicitly teach wherein the step of receiving the ASCII data comprises receiving a "rcp" UNIX command to copy the ASCII persistence table to a network management system database.

Hamilton, II teaches of an "rcp" UNIX command (see col.9, lines 26-33).

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to modify the system of Black in view of Hamilton, II so that the
step of receiving the ASCII data comprises receiving a "rcp" UNIX command to copy the
ASCII persistence table to a network management system database. One would be
motivated to do so because Black teaches that the embodiment of the invention may
employ a UNIX server (see col.10, lines 4-7) and UNIX platform (see col.10, lines 47-
52).

7.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Black et al. (US 7,222,147 B1) in view of in view Campbell (US 6,148,402 A).

As per *claims 5 and 14*, although Black further teaches wherein the network
management system is the remote machine, and wherein the network control processor
is the host machine (see col.1, lines 58-65: "management system internal to a network
device and management system external to the network device"), Black does not
explicitly teach wherein an accessible directory in a host machine has a remote
machine's host name and a user name.

Campbell teaches wherein an accessible directory in a host machine has a
remote machine's host name and a user name (see col.1, lines 58-60).

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to modify the system of Black in view of Campbell so that
accessible directory in a host machine has a remote machine's host name and a user

name. One would be motivated to do so because Black teaches that the system is

connected via the Internet (see col.10, lines 29-34).

Response to Arguments

8.   Applicant's arguments with respect to claims 1, 10 and 19 have been considered

but are moot in view of the new ground(s) of rejection. After further consideration and

searching in response to the amended claim 1 and 10, Black et al. (US 7,222,147 B1

has been cited to explicitly teach the limitation of claim 1, 2, 6-11, and 15-19.

Although, the examiner does not agree with the arguments presented with

respect to claim 19 and could have maintained the previous rejection thus resulting in a

final rejection, to maintain consistency, the new reference was used in rejecting claim

19.

Conclusion

9.   For the reasons above claim 1-19 remain rejected and pending.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Y. Won whose telephone number is 571-272-

3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

July 24, 2007